

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 5:20-CR-074-H-BQ-1

ROBERT PATRICK MARSHALL,

Defendant.

ORDER

United States Magistrate Judge D. Gordon Bryant made Findings, Conclusions, and a Recommendation (Dkt. No. 78) regarding the government's Motion to Hold Defendant in Contempt (Dkt. No. 65). Judge Bryant recommends that the Court "impose the following restrictions, except as they may apply to Defendant's communications with his attorney or clergy: (1) bar Defendant from all access to the internet and SmartJailMail System Tablet for any purpose other than internal LCDC processes such as submitting grievances, conducting legal research, and viewing his calendar; (2) bar Defendant from making or receiving any phone calls; (3) bar Defendant from sending or receiving any written mail, except with his foster father to the extent LCDC can and will review its content to ensure to ensure it complies with this Court's orders; and (4) bar all in-person visits."

Where no specific objections are filed within 14 days after a party is served with a copy of the FCR, the Court must review the FCR only for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1); *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). No objections were filed within the 14-day period.

The Court has examined the record and reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR (Dkt. No. 78). The government's Motion to Hold Defendant in Contempt (Dkt. No. 65) is granted to the extent consistent with the FCR's recommendations.

The Court holds defendant in civil contempt and imposes the following sanctions for the duration of his custody pending sentencing, except as they may apply to Defendant's communications with his attorney or clergy:

- (1) Defendant is prohibited from all access to the internet and SmartJailMail System Tablet for any purpose other than internal LCDC processes such as submitting grievances, conducting legal research, and viewing his calendar;
- (2) Defendant is prohibited from making or receiving any phone calls;
- (3) Defendant is prohibited from sending or receiving any written mail, except with his foster father to the extent LCDC can and will review its content to ensure to ensure it complies with this Court's orders; and
- (4) all in-person visits are prohibited.

So ordered on March 24, 2022.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE

